



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

800 Independence Ave., S.W.  
Washington, D.C. 20591

May 8, 2017

Exemption No. 10872B  
Regulatory Docket No. FAA-2013-0506

Mr. Larry D. Kelley  
Director  
Delaware Aviation Museum Foundation  
21871 Aviation Ave  
Georgetown, DE 19947

Dear Mr. Kelley:

This letter is to inform you that we have granted your petition to extend Exemption No. 10872, as amended. It transmits our decision, explains its basis, and gives you the conditions and limitations of the exemption, including the date it ends.

### **The Basis for Our Decision**

By letter posted April 10, 2017, you petitioned the Federal Aviation Administration (FAA) on behalf of Delaware Aviation Museum Foundation (DAMF) for an extension of Exemption No. 10872, as amended. That exemption from § 91.315 of Title 14, Code of Federal Regulations (14 CFR) allows DAMF to provide pilot training flights in its limited category North American B-25 (N9079Z) aircraft for hire.

In your petition, you indicate that there has been no change in the conditions and reasons relative to public interest and safety that were the basis for granting the original exemption.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested extension of the exemption would not set a precedent, and any delay in acting on this petition would be detrimental to DAMF.

### **Our Decision**

The FAA has made nonsubstantial editorial changes to the conditions and limitations, including a change to Condition/Limitation No. 7 to allow the flight hour requirements for the DAMF instructor to have been obtained in any B-25 aircraft, not specifically N9079Z.

AFS-17-114865-E

The FAA has determined that the justification for the issuance of Exemption No. 10872, as amended, remains valid with respect to this exemption and is in the public interest. Therefore, under the authority provided by 49 U.S.C. 106(f), 40113 and 44701, which the FAA Administrator has delegated to me, I grant Delaware Aviation Museum Foundation, an exemption from 14 CFR § 91.315 to the extent necessary to allow the Delaware Aviation Museum Foundation (DAMF) pilot training flights in its limited category North American B-25 aircraft for hire, subject to the conditions and limitations described below.

### **Conditions and Limitations**

1. This exemption applies only to the aircraft DAMF North American B-25 aircraft, N9079Z. This aircraft, when used for flight instruction under this exemption, must be in the operational control of DAMF.
2. The privileges of this exemption are limited to flight training intended for the purpose of recurrent pilot training, proficiency, or training for an FAA certificate, rating, or authorization.
3. Persons receiving flight training under this exemption must hold at least a private pilot certificate with applicable category and class ratings. Persons receiving flight instruction in the B-25 must meet the second-in-command (SIC) requirements of § 61.55.
4. The privileges of this exemption may only be exercised under the auspices of a training manual that identifies specific syllabi for all ground and flight training conducted in the aircraft. The exemption holder must provide all students with a copy of the appropriate syllabi prior to conducting training. The training manual must also contain the following information:
  - a. A syllabus of each training activity conducted under this exemption for the aircraft.
  - b. A description of operational limitations for the aircraft used for flight training under this exemption.
  - c. A requirement that pilots receiving instruction under this exemption must log the flight time in a pilot logbook or training record. Each entry must cite the appropriate DAMF syllabus and lesson taught during that flight.
  - d. The training manual must identify the name and contact information for the individual acting as chief instructor for DAMF operations under this exemption. The individual named as chief instructor must meet all the following qualifications:

- i. Hold a commercial pilot certificate or airline transport pilot certificate with instrument, category, and class rating for the aircraft operated under this exemption.
  - ii. Hold a certificated flight instructor (CFI) certificate with appropriate category and class ratings.
5. Before DAMF may exercise the privileges of this exemption, it must provide the following documents to the Flight Standards District Office (FSDO) with geographic responsibility for the airport where flight training will be conducted, and must be provided to any representative of the FAA Administrator upon request:
  - a. A copy of the current exemption;
  - b. A copy of the current DAMF training manual, and;
  - c. The qualifications of each instructor conducting training under the terms of the exemption.
6. DAMF must maintain its B-25 in accordance with the:
  - a. Maintenance requirements as specified in its B-25 operating limitations, as amended;
  - b. FAA-approved maintenance inspection program that meets the scope and content of § 91.409(e), (f)(4), and (g); and
  - c. B-25 military technical manuals.
7. The person providing instruction in the B-25 must:
  - a. Hold at least a commercial pilot certificate with an airplane multiengine land rating, an airplane instrument rating, the appropriate type rating, and CFI certificate with airplane multiengine rating;
  - b. Have at least a total of 1,500 hours of aeronautical flight experience, including 25 hours as pilot-in-command in any B-25; 25 takeoffs and 25 landings in any B-25; and
  - c. Have accomplished within the previous 90 days, three takeoffs and three landings to a full stop in any B-25.
8. The exemption holder must inform anyone receiving flight instruction under this exemption that its aircraft holds only a limited airworthiness certificate, the significance of the airworthiness certificate as compared to a standard airworthiness certificate, and that the FAA has authorized this flight under a grant of exemption from the requirements of § 91.315. The explanation of the significance of a limited

airworthiness certificate compared to a standard airworthiness certificate must include at least the following information:

- a. The FAA has not established nor has it approved limited category airworthiness certificated aircraft manufacturing standards. In contrast, standard category airworthiness certificated aircraft are manufactured to FAA approved standards, including standards addressing the design of the aircraft and life-limited parts;
- b. Limited category airworthiness certificated aircraft are issued when the FAA finds the aircraft—
  - i. Has been previously issued a limited category type certificate and the aircraft conforms to that type certificate; and
  - ii. To be in a good state of preservation and repair and is in a safe operating condition.
- c. Standard category airworthiness certificates are issued for an aircraft when the FAA finds the—
  - i. Aircraft has been built and maintained in accordance with that aircraft's type certification standards as established by the FAA; and
  - ii. Aircraft's inspection and maintenance requirements are in compliance with the applicable Federal Aviation Regulations.

9. DAMF must notify the jurisdictional FSDO by written report, electronic mail, or facsimile, of any of the following occurrences within 24 hours. For the purpose of this section, "during flight" or "in-flight" means the period from the moment the aircraft leaves the surface of the earth on takeoff until it touches down on landing.

- a. Any of the following in-flight occurrences:
  - i. Each in-flight fire in any system or area that requires activation of any fire suppression system or discharge of a portable fire extinguisher;
  - ii. Each aircraft component or system that causes, during flight, accumulation or circulation of noxious fumes, smoke, or vapor in any portion of the cabin or crew area;
  - iii. Except for training, each occurrence of in-flight engine shutdown or propeller feathering and the reason for such shutdown or feathering;
  - iv. Any landing gear system or component failures or malfunctions, which require use of emergency or standby extension systems; and
  - v. Each malfunction, failure, or defect in any system or component that requires taking emergency action of any type during the course of any flight.
- b. Any of the following in-flight or ground occurrences:

- i. Each exhaust system component failure, including the turbocharger or supercharger components, that causes damage to any engine, structure, cowling, or components;
    - ii. Each failure of the propeller governing systems or feathering systems; and
    - iii. Each failure or malfunction of the fuel system, tanks, pumps, or valves.
  - c. Each failure or malfunction of the wheel brake system that causes any loss of brake control on the ground; and,
  - d. Each aircraft structure that requires major repair due to damage, deformation, or corrosion and the method of repair.
10. All flight operations must be conducted with a minimum flight visibility of not less than three statute miles and a minimum ceiling of not less than 1,500 feet above ground level (AGL), unless the flight is conducted under instrument flight rules (IFR) or special visual flight rules (SVFR).
11. No other persons may be permitted aboard the aircraft during flight operations, except for the following:
- a. The person acting as flight instructor;
  - b. The person who possesses at least a private pilot certificate with appropriate category and class ratings receiving flight instruction; and
  - c. Up to two additional people acting as pilot-trainees who meet the requirements of Condition/Limitation No. 11(b). These individuals may be either a trainee (who is also enrolled in a course identified in the training manual for the same aircraft) or an employee of DAMF performing an official function such as instructional oversight.
12. The aircraft must have the equipment listed in § 91.205 (as applicable to the operation being conducted) and § 91.207, and that equipment must be in an operable condition during the flight.
13. Failure to comply with any of the conditions and limitations of this grant of exemption will be grounds for the immediate suspension or revocation of this exemption.

### **The Effect of Our Decision**

This exemption terminates on September 30, 2019, unless sooner superseded or rescinded.

Sincerely,